

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

LINDLEY REDD

*Plaintiff,*

v.

JOSE SOTO AND  
LC EXPRESS SERVICE, INC.

*Defendants.*

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CIVIL ACTION NO. 2:22-cv-174

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**DEFENDANTS LC EXPRESS SERVICE, INC. AND JOSE SOTO'S NOTICE OF  
REMOVAL**

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Pursuant to 28 U.S.C §§ 1332(a), 1441, and 1446, Defendants LC Express Service, Inc. and Jose Soto hereby give notice of the removal of this cause of action to the United States District Court for the Southern District of Texas, Corpus Christi Division. Defendants state as grounds for removal the following:

**PROCEDURAL STATUS OF THE CASE**

1. Plaintiff Lindley Redd filed this action in the 343<sup>rd</sup> Judicial District Court of Live Oak County, Texas on August 31, 2021. It carries the case style of Cause No. LCV210125; *Lindley Redd v Jose Soto and LC Express Service, Inc.*; In the 343rd Judicial District Court of Live Oak County, Texas.<sup>1</sup>

2. The Judicial District Clerk of Live Oak County, Texas issued its citations to LC Express Service, Inc. and Jose Soto on or about April 14, 2022.

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<sup>1</sup> Exhibit C, Plaintiff's Original Petition.

3. Defendants are filing this Notice of Removal within 30 days of Defendant Soto's receipt of Plaintiff's Original Petition, which was served on or about June 28, 2022,<sup>2</sup> and prior to filing an Original Answer. Additionally, LC Express Service, Inc. has not been properly served at this time, thereby this Notice of Removal is still timely filed.

4. All pleadings, process, orders, and other filings in the state court action accompany this notice. *See* 28 U.S.C. § 1446(a).

5. This Notice of Removal is being filed in the record office of the Clerk of the United States District Court for the Southern District of Texas, Corpus Christi Division.

6. Defendant will promptly file a copy of this Notice of Removal with the Live Oak County District Clerk.

### **BACKGROUND**

7. This case arises out of a motor vehicle accident that occurred in Three Rivers, Live Oak County, Texas on February 26, 2021. The drivers involved in the accident were Plaintiff Lindley Redd and Defendant Jose Soto. Plaintiff Redd claims that he suffered personal injuries as a result of the alleged negligence of Defendants Soto and LC Express Inc.

8. Plaintiff Redd currently resides in Live Oak County, Texas and is a citizen of the State of Texas.

9. Defendant LC Express Service, Inc is a foreign corporation organized in and with its principal place of business located in the State of Illinois.

10. Defendant Jose Soto is a resident and citizen of the State of Illinois.

### **BASIS FOR ORIGINAL FEDERAL COURT JURISDICTION**

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<sup>2</sup> Exhibit D, Proof of Service on Defendant Jose Soto.

11. Plaintiff Redd demands judgment in an amount over \$1,000,000.<sup>3</sup> Plaintiff and the Defendants in this matter are citizens of different States. The United States District Court therefore has original jurisdiction of this matter according to 28 U.S.C § 1332(a).

**PROPRIETY OF REMOVAL**

12. Defendant Soto was served with Plaintiff's Petition on or around June 28, 2022. LC Express Service, Inc. has not been served with Plaintiff's Original Petition. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant Soto's receipt of Plaintiff's Original Petition, in accordance with 28 U.S.C § 1446(b).

13. Both LC Express Service, Inc. and Jose Soto consent to removal and are joining in this removal. 28 U.S.C. § 1446(b)(2)(A).

14. This court has original jurisdiction of this matter under 28 U.S.C. § 1332(a).

15. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the venue where the state court action was pending. *See* 28 U.S.C § 1446(a). The state court action that is the subject of this notice of removal is pending in Live Oak County, Texas, which is found in the Southern District of Texas, Corpus Christi Division. Therefore, venue of this removed action is proper in this Court and Division.

16. Removal is not barred by 28 U.S.C. § 1445. Defendant Jose Soto is not a citizen or resident of the State of Texas, so removal is not prohibited by 28 U.S.C. § 1441(b). Defendant LC Express Services, Inc. is a foreign corporation organized in and with its principal place of business located in the State of Illinois.

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<sup>3</sup> See Ex. C. (Plaintiff's Original Petition).

17. Pursuant to 28 U.S.C § 1446(a) and Rule 81 of the Federal Rules of Civil Procedure, Defendant Soto has attached hereto:

- (1) A list of all parties in the case, their party type, and the current status of the removed case;
- (2) A civil cover sheet and certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action; all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court (if any);
- (3) A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number, and part or parties represented by him or her;
- (4) A record of which parties have requested trial by jury; and
- (5) The name and address of the Court from which the case is being removed.

**REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY**

18. If Plaintiff Redd contests this removal, Defendant requests:
- a. A hearing regarding this Court's jurisdiction over, and the propriety of removal of this matter;
  - b. The opportunity to present evidence demonstrating the existence of federal jurisdiction and the propriety of removal; and
  - c. Leave to conduct limited discovery related to those issues.

**JURY DEMAND**

19. Defendants demand a jury trial.

WHEREFORE, PREMISES CONSIDERED, Defendants remove the above captioned action from the 343<sup>rd</sup> District Court of Live Oak County Texas to the United States District Court for the Southern District of Texas, Corpus Christi Division.

Respectfully submitted,

**THE FUENTES FIRM, P.C.**

/s/ Autumn J. DeLee

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**ATTORNEYS FOR DEFENDANTS  
LC EXPRESS SERVICES, INC. AND  
JOSE SOTO**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per S. Dist. Tex. Loc. R. LR5.1. A true and correct copy of the foregoing Defendant's Notice of Removal was served upon counsel of record in compliance with the Federal Rules of Civil Procedure by certified mail, return receipt requested, telephonic communications, hand delivery and/or U.S. Mail on this 28<sup>th</sup> day of July 2022.

/s/ Autumn J. DeLee

AUTUMN J. DELEE

